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PATENT  
90337.LOWMOL

3/16/02  
3-16-02

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant:	Francis X. Smith	)	Examiner:
		)	Z. Fay
Serial No.:	09/706,318	)	
		)	
Filed:	November 4, 2000	)	Art Unit:
		)	1614
For:	IMPROVED OPHTHALMIC AND CONTACT	)	
	LENS SOLUTIONS COMPRISING IMIDAZOLE	)	
		)	

RECEIVED  
MAR 11 2002  
TECH CENTER 1600/2900

AMENDMENT

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Claims 2 and 3 stand rejected pursuant to 35 U.S.C section 112.


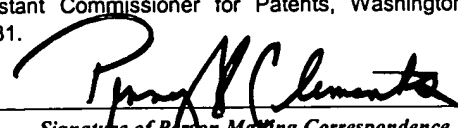
All pending claims of the present application 09/706318 stand rejected pursuant to 35 U.S.C. section 103 in light of United States Patent No. 6,162,393 on an Office Action mailed 8-18-01. An extension of three months is hereby requested to enter the following remarks onto the record, for purpose of pointing out the significant differences between the presently claimed invention and the reference relied on by the Office.

IN THE CLAIMS

Please amend the claims as follows:

2. (amended) A lens care solution comprising:

0.01 to about 5 weight percent of imidazole; an effective amount of  
tonicity agent ; and the balance water

<b>AMENDMENT TRANSMITTAL LETTER (Small Entity)</b>			Docket No. <b>90337.imidaz</b>		
Applicant(s): <b>Francis X. Smith</b>					
Serial No. <b>09/706,318</b>	Filing Date <b>November 4, 2000</b>	Examiner <b>Z. Fay</b>	Group Art Unit <b>1614</b>		
Invention: <b>IMPROVED OPHTHALMIC AND CONTACT LENS SOLUTIONS COMPRISING IMIDAZOLE</b>					
COPY OF PAPERS ORIGINALLY FILED			RECEIVED		
<u>TO THE ASSISTANT COMMISSIONER FOR PATENTS:</u>			MAR 11 2002		
Transmitted herewith is an amendment in the above-identified application.					
<input checked="" type="checkbox"/> Small Entity status of this application has been established under 37 CFR 1.27 by a verified statement previously submitted. <input type="checkbox"/> A verified statement to establish Small Entity status under 37 FR 1.27 is enclosed.					
The fee has been calculated and is transmitted as shown below.					
<b>CLAIMS AS AMENDED</b>					
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	-	20 =	0 x	\$9.00	\$0.00
INDEP. CLAIMS	-	3 =	0 x	\$42.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
<b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT</b>					<b>\$0.00</b>
<input checked="" type="checkbox"/> No additional fee is required for amendment. <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ A duplicate copy of this sheet is enclosed. <input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. <b>10-0223</b> A duplicate copy of this sheet is enclosed. <input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input type="checkbox"/> Any patent application processing fees under 37 CFR 1.17.					
 Signature			Dated: <b>2/14/2002</b>		
<b>Christopher E. Blank, Esq.</b> <b>Reg. No. 31,237</b> <b>JAECKLE FLEISCHMANN &amp; MUGEL, LLP</b> <b>39 State Street, Suite 200</b> <b>Rochester, NY 14614-1310</b> <b>Tel.: (585) 262-3640</b> <b>Fax: (585) 262-4133</b>			<div style="border: 1px solid black; padding: 5px;">         I certify that this document and fee is being deposited          February 14, 2002 with the U.S. Postal Service as          first class mail under 37 C.F.R. 1.8 and is addressed to the          Assistant Commissioner for Patents, Washington, D.C.          20231.            Signature of Person Mailing Correspondence  <b>Penny P. Clements</b>          Typed or Printed Name of Person Mailing Correspondence       </div>		
CC:					

**CERTIFICATE OF MAILING BY FIRST CLASS MAIL (37 CFR 1.8)**Applicant(s): **Francis X. Smith**

Docket No.

**90337.imidaz**

Serial No.

**09/706,318**

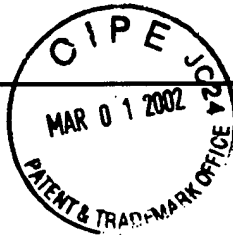
Filing Date

**November 4, 2000**

Examiner

**Z. Fay**

Group Art Unit

**1614**Invention: **IMPROVED OPHTHALMIC AND CONTACT LENS SOLUTIONS COMPRISING IMIDAZOLE**COPY OF PAPERS  
ORIGINALLY FILED**RECEIVED****MAR 1 1 2002****TECH CENTER 1600/2900**I hereby certify that this **Amendment***(Identify type of correspondence)*

is being deposited with the United States Postal Service as first class mail in an envelope addressed to: The

Assistant Commissioner for Patents, Washington, D.C. 20231 on

**February 14, 2002***(Date)***Penny P. Clements***(Typed or Printed Name of Person Mailing Correspondence)**(Signature of Person Mailing Correspondence)***Note: Each paper must have its own certificate of mailing.**